

Though its jurisdiction has been denied by demurrer, or otherwise, the court is not, on that account, at liberty to withhold from the wife the means of living in the interval, or perhaps of prosecuting her suit.

But if the wife has under her own control, the means of carrying on the suit and maintaining herself pending the litigation, the reason of the rule fails, and the rule itself fails also.

Where the application for temporary alimony and the means to prosecute the suit, was delayed until the cause was nearly ready for final hearing, upon the merits, and it being proved that the wife had received since the commencement of the suit, the sum of \$300, in derogation of the marital rights of the husband, which he consented she should retain and apply to the expenses of the suit, the court refused to order the husband to pay any thing further to enable his wife to prosecute her suit, but passed an order granting her alimony, *pendente lite*.

To support the charge of "cruelty of treatment" under the 3d section of the act of 1841, ch. 262, it is not sufficient to show acts of mere petulance and rudeness, and sallies of passion, but there must be a series of acts of personal violence, or danger of life, limb, or health, to justify the court in separating the parties.

The rule prescribed by the common law, and the law of England, is applicable to this statute, and the term "*cruelty*" used in it, must have the same interpretation as that given by the ecclesiastical courts.

The marriage relation is not to be dissolved upon slight grounds, nor will parties be relieved from the duties and responsibilities it imposes, merely because there may be some want of congeniality in their tempers and dispositions.

Public policy and morality alike condemn these partial dissolutions of the matrimonial union, and to justify the court in decreeing them, reasons of a grave and weighty nature should exist; and in this state, the causes which should lead to such separation, ought to be the more urgent and imperative, from the fact, that our statute, unlike that of other states, compels the court, if it interferes at all, to separate the parties permanently, and not for a limited time.

[The petition for a divorce in this case, was filed in the equity side of Baltimore County Court, on the 1st of February, 1850, and states that the petitioner was married to the defendant on the 29th of November, 1849, and lived with him as his wife until the 28th of January, 1850, sedulously fulfilling her duties as such. That within a fortnight after their intermarriage, her husband began ill treatment of her, by the most abusive language, and has continued such treatment, indulging in the most intemperate, unprovoked and terrifying outbreaks of passion, that recently, when the petitioner has been sick and